

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 15, 2001
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Waris Jaffery, Islamic School, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of May 8, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

YOUTH SERVICE

Wichita's Promise – Youth Community Service Awards were presented.

UNFINISHED BUSINESS

ZON2001-00008
CUP2001-00004

ZON2001-00008 – REQUEST FOR ZONE CHANGE FROM MULTI-FAMILY TO LIMITED COMMERCIAL, AND CUP2001-00004 – AN AMENDMENT TO DP-62 CHELSEA STATION C.U.P. TO CREATE PARCEL 13, LOCATED ON THE NORTHWEST CORNER OF ROCK HILL AND ROCK ROAD. (District II)

(Continued from May 1, 2001)

Agenda Report No.01-0592A.

MAPC Recommendation: Approve, subject to conditions and subject to replatting (14-0).

Staff Recommendation: Approve, subject to conditions and subject to replatting.

DAB Recommendation: Approve (7-0).

This Item was deferred from the May 1, 2001, City Council meeting. The applicant is requesting that Parcel 9 be divided into two parcels. Parcel 13, the new parcel, would be 5.96 acres in size and be located along the west side of Rock Road, north of Rockhill. It would be zoned "LC" Limited Commercial. The remainder of Parcel 9, which is 7.34 acres, would keep its current zoning classification of "MF-18" Multi-Family. Also, the applicant is requesting that a second point of access be allowed on the northern edge of the tract along Rock Road.

Currently, Parcel 9 is developed with Sundance Apartments. The applicant proposes to raze the clubhouse and the ten apartment buildings nearest to Rock Road. The property would be redeveloped with the following commercial uses: retail, general; restaurants, excluding drive-in and drive-through; banks or financial institutions; ATM; offices; medical services; personal care services; and personal improvement services. Maximum gross floor area would be 31,167 square feet (12 %), with a maximum of four buildings and a maximum building height of 35 feet.

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DP-62 is part of a large Residential and Non-Residential Community Unit Plan begun in the 1970s. Total size of the C.U.P. is 160 acres. It is a mixed-use development with uses ranging from single-family residential to the shopping center located at the intersection of 21st Street North and Rock Road. The shopping center is now anchored by Best Buy, but includes a site for a discount store, small retail and service businesses, and two restaurant pad sites. The C.U.P. has another apartment complex along 21st Street North, as well as a day care and offices. There are also offices along Rock Road south of Rockhill. Rockhill/Broadmoor serves as the collector through the C.U.P. The residential uses south and west of Rockhill/Broadmoor include duplexes, single-family residences and townhouses.

The property to the east of Rock Road is developed with three restaurants and the Bradley Fair Shopping Center.

The case was initially heard by the Metropolitan Area Planning Commission on February 22, 2001. It was deferred (10-2) to allow the applicant and staff to evaluate the potential impact of retail use on Rock Road.

The case was deferred from the District II Advisory Board on March 3, 2001, and heard on April 3, 2001. Citizens were present at both hearings. After discussing the case with MAPD staff, applicants and those present at the hearing, the DAB voted (7-0) to recommend approval subject to Staff recommendations, as well as the requirement that the design for cross-lot traffic be included in the C.U.P.

At the MAPC meeting held April 5, 2001, MAPC voted (14-0) to recommend approval subject to revised Staff comments. While the issue of cross-lot access was discussed at the meeting on February 22, 2001, it was not included in the MAPC recommendations. The applicant's agent has indicated that they would be willing to provide cross-lot access for vehicular traffic for Parcel 2.

Council Member Pisciotte "As we all know, and state from time to time, that we have a lively and, I think, a very positive agenda in this community, all the way from air fares to Kellogg to electricity to many other things. One of the items that is continuously on the agenda, and particularly in the Second District, is Rock Road. One of the things I've come to understand while I've had the pleasure of serving on this Council is that nothing is easy when it involves Rock Road. We all know that it is one of the premiere streets in the City. It has some of the premier shopping areas, restaurants, and forms of entertainment. As a part of that, we are all very much aware of the issue of traffic, not only the expediency of moving traffic, but equally important the traffic safety factor.

"I have also come to realize that some of the most prime pieces of land in the City are located along Rock Road and there are many good businesses that want to locate there. That makes this issue all the more complex. People who are involved in this are all good people with legitimate interests and want to do what they can to contribute to the overall well being of this community.

"This particular issue is one that has a lot of related issues. It involves not only traffic, generally, but I would venture to say that 21st and Rock Road is sort of ground zero when it comes to really trying to figure out how we are going to solve some of the issues and contribute to our over-all quality of life along that corridor.

"I guess it first came to the attention of the Council shortly after we had worked so hard to put together what we were going to do on the traffic studies and the traffic engineering at 21st and Rock and the City Staff, particularly Mike Lindebak and his Staff, worked for months with the businesses in the area to ensure that the restructuring of that intersection would not negatively impact the businesses involved. I think they came to some excellent solutions that could satisfy everyone. We no sooner finished that dialog and put those plans to bed when this request came and it was specifically focused on an additional cut through the median that would give access to this particular property. And, as they say, "all the rest is history." Since then this has gone through the MAPC, the District Advisory Board, various traffic studies and it has had the recommendation of all of those entities that it be approved.

"I remain concerned about it, not only from the perspective of the traffic, the safety and the expedition, but all the fact that there are some vacancies in the area. I understand that there is a 40-percent vacancy, and I don't think that we have really resolved the issue of the additional commercial spaces needed

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there. It may well be. I am also aware of the fact that there has been a study on the traffic within our department and also a study by the folks who want to bring about this change. But, I think this is so important to the overall development of Rock Road that we need to be absolutely certain that this traffic change will not negatively impact what we are doing along the Rock Road corridor. More specifically, 21st and Rock Road and Central and Rock Road, and all the other things that we're doing along the corridor plan.

"I also have some concern in the Staff report that came from MAPC. They've indicated that commercial use is not in conformance with the Comprehensive Plan and they have also indicated that the conversion from apartments to commercial use will add traffic to Rock Road and 21st Street North.

"These are some of my concerns. I am also very much aware of the fact that we had the process for protests and that we have basically met all of the procedures that are involved in that. But, there is becoming to emerge a good deal of concern now that this issue is becoming a little more visible.

"I want to be absolutely certain that we are doing the right thing, not only for those who are immediately involved in it, but for the community generally, because as we all know this is a very important corridor for this community.

"I am going to ask, if I could Mr. Mayor, to read a motion and ask for the support of my colleagues.

Motion --

Pisciotte moved that this Item be referred back to the MAPC for reconsideration, and request that the MAPC address: (1) the traffic impact/safety issues, with an independent analysis, as appropriate, including the impact on Rock Road corridor study; (2) a review of the currently zoned commercial areas, with consideration of the vacancy rates that currently exists in the immediate area to determine the need for added commercial zoning; (3) assessment of cross-lot traffic; (4) impact on other businesses in the area; and (5) any other areas deemed relevant to this item; and upon completion of the reconsideration by the MAPC, the Item be referred to District Advisory Board No. 2 for review and comment prior to return to the City Council for final action. Motion carried 7 to 0.

-- carried

NEW BUSINESS

CAMBRIDGE IRB

INDUSTRIAL REVENUE BONDS – CAMBRIDGE SUITES HOTEL EXPANSION. (District I)

This Item was pulled from the Agenda.

AUDIT SERVICES

EXTERNAL AUDIT SERVICES.

Agenda Report No. 01-0621.

Federal and State law, as well as City policy, require all City programs to be audited (annually) by a certified public accounting firm.

The City's federal forfeiture program is also audited each year. In 1994, the Office of the Attorney General issued A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies, which requires state and local law enforcement agencies receiving federal shared cash, proceeds, or tangible property valued at over \$100,000 in a single year, or that maintain a federal forfeiture balance of over \$100,000 to ensure that an independent financial audit is performed consistent with defined audit requirements.

A separate audit of the City's pension plans is also necessary to meet certification requirements of the Government Finance Officer's Association.

In 1998, a Request for Proposal for the annual audit of the City's financial statements, the Federally Forfeited Property Program and the City's pension plans for the years 1998 through 2000 was distributed to nine certified public accounting firms. Of the nine firms, two expressed an interest and

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responded to the City's Request for Proposal. Based on recommendations from an Audit Selection Committee, the local audit firm, Allen, Gibbs & Houlik, L.C. was selected to provide external audit services at a fee of \$152,985 per year.

In 1999, the Governmental Accounting Standards Board (GASB) issued Statement No. 34, Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments. This statement brings significant changes to the City's financial statements. The most important changes in the new Financial Reporting Model include the following:

- * Government-wide reporting. Governments have traditionally focused on reporting on groupings of "funds" rather than on the government "taken as a whole". The new financial reporting model will retain this traditional focus on funds, but at the same time requires that fund financial statements be accompanied by financial statement that focus on the overall government (i.e., "government-wide" financial statements).
- * Infrastructure reporting. Traditionally, state and local governments have not been required to report general infrastructure assets (e.g., roads, bridges, dams, etc.) in their financial statements. GASB Statement No. 34 will require that all capital assets, including general infrastructure assets, be capitalized in the financial statements at their (estimated) historical cost. This requirement will apply retroactively to major general infrastructure assets that were acquired in fiscal years beginning after June 15, 1980, or that received major renovations, restorations, or improvements since that date.
- * Depreciation accounting. Under the new financial reporting model, governments will be required to report depreciation expense for all capital assets, including general infrastructure assets, in the government-wide financial statements.
- * Basis of accounting. The new government-wide financial statements will be prepared using full accrual accounting and will require a conversion from the current method of modified accrual accounting for certain fund types. Modified accrual accounting will still be used for the governmental fund financial statements while full accrual accounting will be used for the entity-wide financial statements.

Other changes (necessitated by GASB Statement No. 34) will impact budgetary reporting, spending focus for tax-supported activities, reporting of trust funds, and a narrative analysis to accompany the basic financial statements.

Staff has coordinated with the current external audit firm, Allen, Gibbs & Houlik, L.C. to begin planning and implementation of GASB Statement No. 34., which will be effective for the City of Wichita on January 1, 2002. The requirements of the Statement must also be applied to the financial statements for the fiscal year ended December 31, 2001, to establish beginning balances for fiscal year 2002.

Allen, Gibbs & Houlik, L.C. has provided quality audit services for the past several years and is knowledgeable with respect to the current accounting issues and financial reporting practices of the City. The ability to negotiate a contract extension with Allen, Gibbs & Houlik for the fiscal year ending December 31, 2001, with a one-year option for renewal, would provide continuity and efficiency in financial reporting challenges facing the City throughout the implementation of GASB Statements No. 34.

Kansas law requires an annual audit of City financial records by a certified public accounting firm (K.S.A. 75-1122) in accordance with the minimum standard audit program (K.S.A. 75-1123).

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that Staff be authorized to negotiate a contract extension for external audit services for the fiscal year ending December 31, 2001, with a one-year option for renewal with Allen, Gibbs & Houlik, L.C.; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 14, 2001.

Bids were opened May 11, 2001, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Rita, from the east line of West Street to Kessler, and Kessler, from Rita to the south line of Jewell to serve Alcorn Industrial Addition - east of West Street, north of Pawnee. (472-83083/765573/490684) Traffic to be maintained during construction using flagpersons and barricades.

Cornejo & Sons Construction - \$192,330.50

Maple from 119th Street West to Maize Road Phase 3 Landscaping - Maple from 119th Street West to Maize Road. (472-83092/706772/209233) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Seeders Inc. - \$52,420.50

2001 sanitary sewer rehabilitation, Phase D - various locations. (468-83231/620316/661440) Traffic to be maintained during construction using flagpersons and barricades. (Districts II and V)

Insituform Technologies - \$204,682.50

2001 sanitary sewer reconstruction, Phase 3 - north of Kellogg, west of Rock Road. (468-83243/620317/661441) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and II)

WB Carter Construction - \$215,226.00

16 inch water supply line in Pawnee from Webb Road to west of Greenwich Road - Pawnee, east of Webb Road. (448-89436/633717/750558) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wildcat Construction - \$139,450.00

Lateral 138, Main 4, Sanitary Sewer #23 to serve Jones Park Addition - north of 33rd Street North, east of Arkansas. (468-83048/743819/480507) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Wichita Excavation Inc. - \$13,566.00 (Negotiated to Engineer's estimate)

Construct a left-turn lane and acceleration/deceleration lane to serve Brush Creek Third Addition - south of 37th Street North, east of Woodlawn. (472-83131/765663/490774) Does not affect existing traffic. (District I)

Cornejo & Sons Construction - \$238,481.00 (Negotiated to Engineer's estimate)
\$213,805.50 (Base bid)
\$ 24,675.50 (Add Alternate/Unit Price Bid)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Various Repairs at the African American Family Preservation. (792310)

Industrial Roofing & Metal Works, Inc. - \$28,898.00 (Group 1/lump sum total)
Fahnestock Heating and Air Conditioning, Inc. - \$3,964.00 (Group 2/lump sum total)
Total Electric Inc. - \$5,900.00 (Group 3/lump sum total)
Cap Carpet Inc. - \$8,495.10 (Group 4/lump sum total - Door frame and ceiling not included)

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Traffic Signal Equipment. (702287)

Mid American Signal- \$12,191.00 (Group 1/total net bid)
\$12,020.00 (Group 2/total net bid)

HEALTH DEPARTMENT/ENVIRONMENTAL DIVISION: Mowing and Landscape Maintenance. (142000)

Complete Landscaping Systems, Inc. - \$795.00 (Item 1/total per month)
\$245.00 (Item 2/total per month)

PARK DEPARTMENT/RECREATION DIVISION: 4-Wheel, Gasoline Powered Utility Vehicle. (696047)

Kansas Mini Power Vehicles, Inc. - \$14,550.00 (Total base bid)
\$ 1,400.00 (Option 1/total)
\$ 1,300.00 (Option 2/total)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Ferrous Chloride. (184754)

Southwest Leasing & Management Inc. - \$.2975 (Group 1/base bid per pound of iron)

PARK & RECREATION DEPARTMENT/ADMINISTRATION DIVISION: Neon Lighting at Mclean Fountain Renovation. (785020)

Luminous Neon, Inc. - \$11,980.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE APPS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New Establishment</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Donald Harrison, Jr.	Auburn Hills Golf Course*	443 South 135th Street West
Delores Oropesa	San Luis Restaurant*	2345 North Broadway

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications considered.

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Main 3, Cowskin Interceptor Sewer, Mid-Continent Industrial Park, Skyway Industrial Park and other Tracts - south of Kellogg, both sides of Tyler Road. (468-83149/743856/480544) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$779,700.00
- b) 16 Inch Water Supply Line in Maple from 119th Street West to 135th Street West - north of Kellogg, west of 119th Street West. (448-89530/633719/750561) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$377,195.00
- c) Flora from the north line of St. Louis to 160' south of Central to serve Fruitvale Park Addition - 472-83146/765602/490-713. Traffic to be maintained during construction using flagpersons and barricades. (District IV). Total estimated cost - \$185,000.00.
- d) Landscaping entrances for Willowbend North Estates Addition, Willowbend North Addition and Unplatted Tract. 472-83358/765673/490-734. Traffic to be maintained during construction using flagpersons and barricades. (District II). Total estimated cost - \$150,000.00.
- e) (Amended) Hillside from 27th Street North to 37th Street North - 472-82781/706499/405203. Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$500,000.00- GO, \$88,878.00- Federal. Total estimated cost - \$588,878.00.

Motion -- carried Knight moved that Preliminary Estimates be received and filed. Motion carried 7 to 0.

EASEMENT

EASEMENT:

- a) Utility Easement dated April 3, 2001, from GKCF, L.L.C., a Kansas Limited Liability Company, for a tract of land in the NE 1/4 of Sec. 15, Twp. 28-S, R-1-W of the 6th P.M., kSedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

Motion -- Knight moved that the document be received and filed; and the necessary signatures be authorized
-- carried Motion carried 7 to 0.

THE COURTS ADD. PETITIONS FOR STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE THE COURTS II ADDITION – EAST OF OLIVER, SOUTH OF 29TH STREET NORTH. (District I)

Agenda Report No. 01-0622.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water service to a new residential development, located on Pembroke Circle, east of Ridgewood.

The Petitions total \$349,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-203

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89579, (east of Oliver, south of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas,

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presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-204

Resolution of findings of advisability and Resolution authorizing construction of Lateral 72, Main 5, Sanitary Sewer #23, (east of Oliver, south of 29th Street North) 468-83257, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-205

Resolution of findings of advisability and Resolution authorizing improving of Edgemoor Drive, from the south line of Lot 27, Block 2 to the southeast line of Lot 84, Block 2; and Pembroke Circle, from the east line of Edgemoor Drive, to the northwest line of Lot 85, Block 2, including the turn-around, (east of Oliver, south of 29th Street North) 472-83382, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Employees Retirement System, 3-21-2001
Wichita-Sedgwick County Board of Health, 4-12-2001

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

WEAPONS

WEAPONS DESTRUCTION:

Agenda Report No. 01-0623.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided, and includes a total of 196 handguns and 98 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

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NUCIFORA INC.

NUCIFORA, INC. – TOURISM PROFESSIONAL CONSULTANT ASSISTANCE.

Agenda Report No. 01-0624.

Last year, the Committee on Tourism recommended the selection of Nucifora, Inc. Firm to act as the City's consultant to develop a new Strategic Master Plan for Tourism. The Plan was presented in August 30, 2000. The City Council, along with the Convention & Visitors Bureau endorsed the Plan and took action to implement all phases of the Plan. Recently, the City Council increased the allocation to the CV&B by \$600,000 to carry out the various segments of the Plan.

Analysis: Implementation of the Strategic Master Plan is underway. The CV&B has developed various programs and strategies to move forward on many of the proposals. These actions, together with those assigned to the City, will put in place the first major elements of the plan – including the internal marketing campaign, web site development, and assistance in external marketing activities. It is proposed that the Nucifora group be retained during the first year of implementation to assist both the City and the CVB in implementing the initial stages of the program.

A contract has been negotiated with the Nuciform firm to serve on a retainer basis – used when needed – and serve as an advisor on the planning, development and implementation of specific programs. Funds for consulting services were encumbered from 2000 (in the amount of \$25,000) from the City's marketing budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

CEDAR VIEW

RESPREAD ASSESSMENT: CEDAR VIEW SECOND ADDITION - SOUTH OF KELLOGG, EAST OF GREENWICH ROAD. (District II)

Agenda Report No. 01-0625.

The developer, Leewood Homes, Inc., platted Cedar View 2nd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a paving project. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

There is no cost to the City.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

COMM. IN SCHOOLS

CDBG – COMMUNITIES IN SCHOOLS.

Agenda Report No. 01-0626.

On March 20, 2001, the City Council allocated Community Development Block Grant (CDBG) funds for the 2001/2002 program year. Included in the 2001/2002 CDBG allocations were funds for Communities in Schools to provide and coordinate youth and adult services at the Stanley Elementary School.

Services to be provided include family literacy and parenting classes as well as tutoring, mentoring and counseling to approximately 50 students and their parents during the contract period of July 1, 2001, through June 30, 2002.

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The contract amount is \$25,000 and is funded in the approved 2001/2002 CDBG budget.

A contract has been negotiated with Communities in Schools and signed by the authorized representative. The Law Department has reviewed and approved the contract as to form.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HARBOR HOUSE

CDBG – CATHOLIC CHARITIES, INC., HARBOR HOUSE.

Agenda Report No. 01-0627.

On March 7, 2000, the City Council allocated Community Development Block Grant (CDBG) funds for the 2000/2001 program year. Included in the 2000/2001 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposals.

The contract with Catholic Charities for Harbor House provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 2000 and ending June 30, 2001.

The contract amount for Harbor House is \$55,000 and is funded in the approved 2000/2001 CDBG budget.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

INDOCHINESE CEN.

CDBG – WICHITA INDOCHINESE CENTER.

Agenda Report No. -01-0628.

On March 20, 2001, the City Council allocated Community Development Block Grant (CDBG) funds for the 2001/2002 program year. Included in the 2001/2002 CDBG allocations were funds for a summer youth employment program. Summer youth employment services were procured through a competitive Request for Proposal.

The contract with the Wichita Indochinese Center provides funds to pay salaries for 100 youth and administrative costs of the eight non-profit agencies participating in the program. The contract term is twelve months beginning July 1, 2001 and ending June 30, 2002.

The contract amount is \$175,000 and is funded in the approved 2001/2002 CDBG budget.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

SUMMER OF DISC.

SUMMER OF DISCOVERY TRANSPORTATION SERVICES.

Agenda Report No. 01-0630.

Summer of Discovery (an eleven-week Park and Recreation Department program for children ages six to twelve) offers a number of recreational venues and field trip opportunities inside and outside the city limits of Wichita. Licensed and insured transportation services are necessary to transport children enrolled in the program to these venues and field trips.

A request for proposal (RFP) to provide transportation services for the Summer of Discovery program was issued earlier this year. A proposal presented by School Services and Leasing, Inc. met the RFP

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criteria in terms of qualifications, experience, references, and cost. School Services and Leasing provided transportation services for the Summer of Discovery program in 2000.

Estimated annual cost of the contract is \$35,000. Funds are budgeted in the 2001 Adopted budget.

The Law Department will review and approve the contract as to form. The contract will be for one year with annual renewal options for an additional two years.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

SG. HOME REPAIR

SEDGWICK COUNTY'S DEPARTMENT ON AGING – MINOR HOME REPAIR.

Agenda Report No. 01-0631.

The City's Housing Department provides financial assistance to low and very low-income owner/occupants of residential structures located in the local investment area to eliminate blighting influences and deterioration of property.

The Housing Department acts as the contractor for a County funded housing program. Sedgwick County's Department on Aging receives County Mill Levy funds to provide financial assistance to elderly homeowners to resolve emergency situations affecting the health and/or safety of the recipient's household.

The contract between the City and the County is a renewal program in which the County's funds provide assistance to low-income elderly homeowners within the City limits of Wichita. The Housing Department will prepare the necessary specifications, solicit bids, monitor repairs, and approve the work. The Department on Aging will determine eligibility of applicants and make payment to the contractor once the work has been satisfactory completed.

The City's Housing Department receives frequent calls from low-income, elderly homeowners (that live outside of the LIA) who are experiencing housing problems such as leaking roofs, inoperable furnaces, leaking water pipes, collapsed sewers, needing ramps installed, etc.

The proposed contract will continue a program between the Department on Aging and the Housing Department to provide financial assistance, using County funds to resolve emergency situations affecting the health and/or safety of low income elderly households outside of the LIA, but within the City. The County's fund will also be utilized as leverage to City of Wichita's CDBG and HOME Emergency Assistance Program, Home Repair Program, and the Deferred Loan Program projects located within the LIA.

The County's funding will amount to approximately \$80,000 annually to the Department on Aging to operate a Minor Home Repair Program for low-income elderly homeowners in Sedgwick County. The project management fee will be 5% of all dollars spent outside the LIA.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KS COMM. SERVICE

KANSAS COMMUNITY SERVICE PROGRAM ACT.

Agenda Report No. 01-0632.

On July 1, 1994, the State of Kansas initiated the Kansas Community Service Program Act. The Act authorizes tax credits (from state income tax) for cash contributions made to approved non-profit organizations by private business firms, financial institutions and insurance companies. The State of Kansas has authorized a total of \$5 million in tax credits per fiscal year, for eligible projects. Eligible contributors (usually private for profit companies) receive a credit equal to 50% of the amount donated

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to non-profits. Typically, the tax credit proceeds are used for capital projects, either new facilities or expansion of existing facilities that are one time in nature. Applications for the State tax credits for non-profits are competitive.

The Bethesda Lutheran Homes and Services, Inc. submitted a request for local government endorsement of their State non-profit tax credit application. The application was conditional endorsed, contingent on Council approval and returned to the applicant, which will enable them to meet the May 4th deadline for submission of the application. If approved by the State, the eligible contributor is eligible to receive 50% credit of the cash contribution towards their State income taxes for contributions made to the community service organization during an eighteen-month period from the date of application approval.

The proposed application does not conflict with any local plans, zoning or land use requirements. The endorsement does not obligate the City to fund, supervise or in any way associate itself with the applicant.

The proposed application has no impact on City finances and do not require any City financial participation.

Motion --
-- carried

Knight moved that the application be endorsed and the necessary signatures be authorized. Motion carried 7 to 0.

LABOR GRANT

LABOR-MANAGEMENT COOPERATION PROGRAM GRANT.

Agenda Report No. 01-0633.

The Federal Mediation and Conciliation Services issued a national request for competitive applications for a Labor-Management Cooperation Program pursuant to the Federal Labor-Management Cooperation Act of 1978. The FY 2001 application process is open to states and local units of government. Grant assistance can be used to improve labor-management relationships, training, organizational effectiveness and improve communication on subjects of mutual interest and concern between management and employees.

The City has prepared a grant application for these funds for submission to the Federal Mediation and Conciliation Service. The City's Personnel Department has agreed to serve as the lead agency for administration of the grant funds if the grant is approved.

The City's grant application consists of funding for one-time purchases which include: training for the Labor/Management Committee (\$30,000); employee attendance at conferences with labor-management experts (\$11,750); a message generator (intranet) and to provide internal messaging and information to employees concerning training opportunities, employee benefits and announcements (\$56,490); and, computer programming for internal departmental training and external training via City departmental Mini-Web sites (\$11,760).

The City's grant application totals \$110,000. If approved, a total of \$100,000 would be provided by the federal grant. The City's 10% required matching share (\$10,000) would be provided from salary savings in the general fund.

Motion --
-- carried

Knight moved that the grant application be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CONSERVATION

LAND AND WATER CONSERVATION FUND GRANT.

Agenda Report No. 01-0634.

The Water and Sewer Department acquired 147 acres for the Northwest Sewage Treatment Plant III at 37th St. North and 135th St. West. Ten acres of the land will be dedicated to the treatment facility with

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the remainder to be developed as an outdoor environmental classroom/laboratory for a Wetland Riparian Project. The area will be open to the public, will include extensive plantings along the banks of the Cowskin to develop a corridor for wildlife refuge, and serve as a vegetative filtration zone to protect the water quality of the Cowskin from sediment deposits from runoff.

The project will enhance and encourage development of the northwest area, along with complementing and embellishing the efforts of the Great Plains Nature Center. It will provide significant social, economic, and environmental benefits. The pathways, signage and accessibility to nature and wildlife will present a unique opportunity for residents to experience and learn about botanical and wildlife environment.

Federal funds are available from the National Park Service Land and Water Conservation Fund on a 50-50 matching basis. The fund was established in 1965 and is derived from offshore oil revenues. It has been a primary source for developing many state and local parks in Kansas. The grants may be used for development of outdoor recreational facilities or land acquisition for outdoor recreation.

The grant application is for \$269,075 and would cover the cost of trees, grasses, and plants for the Wetland Riparian Project. Funds have been allocated in the Northwest Sewage Treatment Plant and Basins (CIP S-512) for the project and have been approved by City Council. There would be a savings of approximately \$269,075 to the CIP if the grant were approved. The City Manager signed application April 28, 2001.

Motion --
-- carried

Knight moved that the application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

LAVON SS

LAVON AREA SANITARY SEWER CAPACITY IMPROVEMENTS. (District I)

Agenda Report No. 01-0635.

Sewer backups due to surcharging of the sanitary sewer system in the Lavon area (13th St. and Yale) were brought to the attention of the Water and Sewer Department. Sewer Maintenance Staff performed a visual inspection of the sanitary sewer system, noted significant surcharging in the manholes, and recommended a study of the sewer system. The Sanitary Sewer Response Plan consultant performed the study and submitted recommendations for rehabilitation and repair of the sanitary sewer system. In addition to the study, a televised inspection of the sewer system was conducted by Sewer Maintenance personnel that resulted in further recommendations.

Recommendations by the consultant and Sewer Maintenance Staff include the replacement and upsizing of portions of the sewer to increase system capacity, lining sections of the pipe to reduce inflow and infiltration (I&I), and elimination or relocation of some manholes.

Capital Improvement Program (CIP # S-524), Lavon Area Capacity Improvement, has a budget of \$560,000. This project will be funded from Sewer Utility revenues and reserves or a future revenue bond issue.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-206

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$560,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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WATER MAIN

INSTALLATION OF WATER MAIN IN WOODROW – FRIAR LANE TO 39TH STREET NORTH. (District VI)

Agenda Report No. 01-0636

The City's water service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999; a number of significant system improvements were recommended to ensure adequate service levels.

This project is recommended to provide system support to the northerly portion of the City's water system by constructing a water main along Woodrow from Friar Lane to 39th Street North. The result will allow for system reliability and increased water volume to the northerly portion of the Water Utility system.

Capital Improvement Program (CIP # W-824) budget is \$30,000 for 2001. The project will be funded from Water Utility revenues and reserves or a future revenue bond issue.

Motion --
-- carried

Knight moved that the project and Notice of Intent to Publish be approved; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-207

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$30,000 exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WATER MAINS

INSTALLATION OF WATER MAINS - MACARTHUR – MINNESOTA TO ENGLEWOOD. (District III)

Agenda Report No. 01-0637.

The City's water service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999, and a number of significant system improvements were recommended to ensure adequate service levels now.

This project is recommended to provide system support to the southeast portion of the City's water system by constructing a 12" water main along MacArthur, from Minnesota to Englewood. The water line will connect two currently independent portions of the water system. The result will allow for increased system pressure and water volume to a portion of the water system serving the west-central portion of the Water Utility system and the Boeing area.

Capital Improvement Program (CIP # W-832) budget is \$490,000. The project will be funded from Water Utility revenues and reserves or a future revenue bond issue.

Motion -- carried

Knight moved that the project be approved; and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 01-208

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$490,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WATER MAINS

INSTALLATION OF WATER MAINS - SHERIDAN – MAPLE TO BURTON. (District IV)

Agenda Report No. 01-0648.

The City's water service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999, and a number of significant system improvements were recommended to ensure adequate service levels.

This project is recommended to provide system support to the west-central portion of the City's water system by constructing a 16" water main along Sheridan, from the existing 36" water main in Burton, to the existing 12" lines in Maple. The result will allow for increased system pressure and water volume to the west-central portion of the Water Utility system.

Capital Improvement Program (CIP # W-829) budget is \$70,000. The project will be funded from Water Utility revenues and reserves, or a future revenue bond issue.

Motion -- carried

Knight moved that the project be approved; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-209

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$70,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PROPERTY DISP.

PROPERTY DISPOSITION - 835 NORTH WABASH. (District I)

Agenda Report No. 01-0638.

A City-owned unit at 835 North Wabash has been rehabilitated through the Rehabilitation and Investment Program (RIP). The RIP Program was implemented to preserve existing housing stock and to train low-income citizens in the field of residential home construction improvement.

Houses rehabilitated through the RIP Program are to be made available for re-sale to income qualified first time homebuyers. The structure is 1264 square feet with three bedrooms, one bathroom, a living room, kitchen, dining room and a utility cellar. The house was repossessed by Neighborhood Improvement Services (NIS) due to a default in the Deferred Loan Agreement. The property was placed into the RIP Program to be rehabilitated and re-sold. The property was listed for sale with a Realtor in August 2000 after other attempts to sell the property failed. The Realtor set the price at \$33,000, based on market analysis.

The property is selling for the price of \$33,000. The buyer will receive a first mortgage loan in the amount of \$31,350. The City will receive proceeds in the approximate amount of \$27,429.73, following payment of the seller's closing cost and the real estate commission.

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A certified appraiser in connection with the loan application process of Premier Mortgage Consultants, LLC, is appraising the property.

835 Wabash is legally described as – Lots 14 – 16, Wabash Ave., Elliot and Hammond Addition.

Motion --
-- carried

Knight moved that the sale be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY DISP.

PROPERTY DISPOSITION - SALE - 1217 NORTH OHIO. (District I)

Agenda Report No. 01-0639.

A City-owned unit at 1217 N. Ohio is in the Infill Housing Program. The Infill Housing Program was implemented to preserve existing housing stock while improving and stabilizing older neighborhoods. The home at 1217 N. Ohio was moved and rehabilitated as one of the houses from the McLean Boulevard widening project. The property was listed for sale with a Realtor in August 2000 after other attempts to sell the property failed. The Realtor listed the home at (\$25,000.00), based on a market analysis.

The structure is 768 sq. ft., with two bedrooms, one bathroom home with living room, kitchen and utility room. The structure was moved and rehabilitated with the intentions to sell to an owner-occupant.

The property is selling for the price of \$25,000. The buyer will receive a first mortgage loan in the amount of \$25,000. The City will receive proceeds in the approximate amount of \$20,494.73, following payment of the seller's closing cost and the real estate commission.

A certified appraiser in connection with the loan application process of Sunset Mortgage Company is appraising the property.

1217 North Ohio is legally described as – Lots 77 - 79, Burleigh's 3rd Addition, Ohio Avenue.

Motion --
-- carried

Knight moved that the sale be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY DISP.

TRANSFER OF OWNERSHIP – 1722 NORTH MARKET. (District VI)

Agenda Report No. 01-0640.

722 North Market is a single-family residence, currently owned by the City, which was acquired from HUD for \$1.00. The home was the site of the Heart of Wichita kick-off press conference, and was acquired with the intent to rehabilitate and then re-sell it to an income-qualifying first-time homebuyer.

Transfer of ownership of the residence to MHRS will facilitate the rehabilitation of the structure under a City-funded program that provides Community Housing Development Organizations (CHDO's) with the monetary means to acquire residential properties for the purpose of rehabilitation and re-sale to qualifying home buyers. Following transfer of ownership, MHRS will submit a plan and estimates for rehabilitation of the structure, which will be approved by the Housing Services staff.

MHRS will rehabilitate the structure utilizing funding from the CHDO boarded-up HOME program, a newly created program that provides funding for the rehabilitation of existing, vacant, boarded-up or otherwise blighted homes. Funding under this agreement is provided as part of the City's mandatory 15% HOME set-aside for housing development projects to be carried out by CHDO's. The home will be appraised prior to re-sale, and will be listed for sale at the appraised value. Proceeds from the sale will be returned to the City in the form of Program Income, in order to complete additional projects under the funding agreement.

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Rehabilitation and re-sale of the structure is an eligible CHDO set-aside activity under the HOME program, and will be carried out in accordance with the funding agreement currently in place for the CHDO Boarded-up HOME program.

Motion --
-- carried

Knight moved that the transfer of ownership to Mennonite Housing be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 8, 2001)

- a) Day reporting and correctional placement residents - licensing/citing criteria.

ORDINANCE NO. 44-970

An Ordinance amending Sections 20.01.010, 20.01.060, 20.01.100, 20.01.110, 20.01.120 and 20.01.140 of the Code of the City of Wichita, Kansas, as amended by Ordinance 44-819, and repealing the originals of said Sections; pertaining to the licensing of Day Reporting Centers as correctional placement residences, and subject such facilities to certain regulations set forth in the Alternative Correctional Housing Ordinance, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Kellogg/Rock Road Interchange. (District II)

ORDINANCE NO. 44-971

An Ordinance declaring Kellogg (U.S. 54), from Gouverneur Road to I-35 *KTA) to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same repealing Ordinance No. 43-308, of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Maple Street Improvement, 135th Street West to 119th Street West. (District V)

ORDINANCE NO. 44-972

An Ordinance declaring Maple, between 135th Street West and 119th Street West, 472-83262, to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Property acquisition by eminent domain - tracts for the Central and Rock Road intersection improvement project. (District II)

ORDINANCE NO. 44-973

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the improvement and widening of Central Avenue and Rock Road in the City of Wichita, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- e) Property acquisition by eminent domain - 7800 Southwest Boulevard – runway approach protection at Mid-Continent Airport. (District V)

ORDINANCE NO. 44-974

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of preserving the runway approach protection zone for Mid-Continent Airport, in the City of Wichita, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- f) Special assessments for weed mowing.

ORDINANCE NO. 44-969

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- g) Amendment to the Unified Zoning Code.

ORDINANCE NO. 44-975

An Ordinance amending Section 28.04.010 of the Code of the City of Wichita and adopting by reference the "Wichita-Sedgwick County Unified Zoning Code, April 19, 2001 Edition", prepared by the Metropolitan Area Planning Commission; and repealing Ordinance No. 44-427 as codified in Section 28.04.010 which adopted the October 28, 1999 Edition of the Unified Zoning Code; and repealing Ordinance No. 44-714, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PLANNING AGENDA

- Marvin Krout Director of Planning stated that all Items could be considered as consensus Items unless the Council desired to withhold other Items.
- Motion -- carried Knight moved that the Planning Agenda Items be approved as consensus Items. Motion carried 7 to 0.
- VAC2001-00009** **VAC2001-00009 – VACATE DORIS STREET LOCATED BETWEEN 11TH STREET NORTH AND MEMORY LANE.** (District VI)

Agenda Report No. 01-0641.

Staff Recommendation: Approve vacation of Doris Street.

MAPC Recommendation: Approve vacation of Doris Street. (unanimous)

The four applicants propose to vacate unimproved street right-of-way abutting their lots. The applicant has stated that all the abutting landowners have maintained the Doris Street ROW for a number of years, that the right-of-way is not needed for access to their property and that Doris is not a through street to the north or south of the block in question.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to the retention of a 30-foot utility easement, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

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Motion --
-- carried

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2001-00010

VAC2001-00010 – VACATE BUILDING SETBACK LOCATED AT THE SOUTHWEST CORNER OF 135TH STREET WEST AND MAPLE. (District V)

Agenda Report No. 01-0642.

Staff Recommendation: Approve vacation of building setback.
MAPC Recommendation: Approve vacation of building setback. (unanimous)

The applicant is requesting to vacate the 35 foot building setback between Lots 1 and 2 and the 100' building setback along Maple and 135th Street West, all on Lot 1 of Auburn Hills Commercial 2nd Addition, Wichita, Sedgwick County, Kansas. The proposed building will encroach on both setbacks; the 35-ft setback on the west and south sides and the 100-ft setback on the east side. This particular development is an approved Community Unit Plan (CUP), Development Plan 225. Any change to the recorded building setback lines will also require the applicant to submit an adjustment. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ZON2001-00015

ZON2001-00015 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL OFFICE, LOCATED NORTH OF 21ST STREET NORTH, BETWEEN WACO AND FAIRVIEW. (District VI)

Agenda Report No. 01-0643.

MAPC Recommendation: Approve (9-0).
Staff Recommendation: Approve.
DAB Recommendation: To be heard May 7, 2001, after agenda report was prepared.

The applicant requests a zone change from "B" Multi-Family Residential to "GO" General Office on a 1 acre platted tract located north of 21st Street North between Waco and Fairview. The applicant requests the zone change to allow for a northward expansion the existing KPTS broadcast studio that is located immediately south of the subject property. The expansion of the broadcast studio will involve the removal of existing residential structures and the conversion of the existing land use from residential to office use. A broadcast studio is first permitted in the "GO" General Office district.

The surrounding area is characterized by a mixture of uses in the middle of the Midtown North neighborhood with commercial uses along 21st Street and residential uses along both sides of Waco and Fairview north of the 21st Street commercial uses. The properties immediately north of the subject property are zoned "TF-3" Two Family Residential and are developed with residential structures. The properties immediately south of the subject property are zoned "LC" Limited Commercial and are developed with a broadcast studio, a parking area, and two residential structures. The properties east of the subject property across Fairview and west of the subject property across Waco are zoned "B" Multi-Family Residential and are developed with residential structures.

At the hearing on April 19, 2001, the MAPC voted (9-0) to approve the request. There were no speakers, other than the applicant, for or against the request.

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Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00015

ZON2001-00018

ZON2001-00018 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL OFFICE, LOCATED ON THE NORTHEAST CORNER OF HARRY AND TODD. (District II)

Agenda Report No. 01-0644.

MAPC Recommendation: Approve, subject to the conditions of a (P-O) Protective Overlay District (10-0).

Staff Recommendation: Approve, subject to the conditions of a (P-O) Protective Overlay District.

The applicant requests a zone change from “MF-18” Multi-Family Residential to “GO” General Office on a 2.4 acre platted tract located at the northeast corner of Harry and Todd. The applicant proposes to develop the subject property with office uses.

The surrounding area is characterized by a mixture of uses on the developing fringe of Wichita with apartments to the northwest, duplexes to the north, single-family residences to the south, undeveloped property zoned for office development to the west, and agricultural and large lot residential uses to the east. The properties east and south of the site are zoned “SF-6” Single-Family Residential. The properties north of the site are zoned “MF-18” Multi-Family Residential and “TF-3” Two-Family Residential. The property west of the site is zoned “GO” General Office.

At the hearing on April 19, 2001, there were no speakers, other than the applicant, for or against the request. The MAPC voted (10-0) to approve the request subject to the following additional provisions of a Protective Overlay District:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan indicating the location of access drives on Todd for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The applicant shall design the site with access drives that minimize turning movement conflicts by either aligning access drives with the access drives to the property on the west or by separating access drives from both Harry and the access drives to the property on the west by at least 150 feet.

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Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change, subject to the additional provisions of a Protective Overlay, be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00018

A01-06

A01-06 – ANNEXATION OF LAND GENERALLY LOCATED NORTH OF 37TH STREET NORTH AND WEST OF OLIVER, AND VARIOUS STREETS. (Districts I and II)

Agenda Report No. 01-0645.

In order to create a more harmonious boundary, the City is seeking the annexation of a small tract of land held in an Industrial Revenue Bond by the City at the northwest corner of Oliver and 37th Street North. Due to the recent annexation of adjacent property, the City is also seeking the annexation of portions of Hillside, 45th Street North, Central and 127th Street North.

Land Use and Zoning: The annexation site at the northwest corner of Oliver and 37th Street North is presently in agricultural use and consists of one (1) undeveloped tract of land zoned “SF-20” Single Family Residential and “LC” Limited Commercial. Land north, south, and west of the site is also in agricultural production and is zoned “SF-6” Single Family Residential, “LI” Limited Industrial, and “LC” Limited Commercial. The City of Bel Aire is located east of the site with single-family residential housing. Upon annexation, the “SF-20” Single Family Residential zoning of the subject property will convert to “SF-6” Single Family Residential.

Hillside: From 37th Street North to 45th Street North. This segment abuts the City on both sides. The annexation of this segment makes for a more straight and harmonious boundary.

45th Street North: From Oliver to approximately 1,550 feet east of Hillside. This segment abuts the City on both sides, and the annexation of this segment makes for a more straight and harmonious boundary.

Central: From K-96 to approximately ¼ mile west of the intersection of Central and 127th Street East. This segment abuts the City on both sides, and the annexation of this segment makes for a more straight and harmonious boundary.

127th Street North: From K-96 south to Central. This segment abuts the City on the west side, and the annexation of this segment make for a more straight and harmonious boundary.

Comprehensive Plan: The annexation sites are also located within the Wichita 2010 urban service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted last year by the City Council.

The total appraised value of the property located at the northwest corner of Oliver and 37th Street North is \$10,800, resulting in an assessed value of \$2,700. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$85 in City annual tax revenues for the property.

The City Public Works Department estimates the annual maintenance costs of the street segments proposed for annexation to be \$9,000 per lane mile. The following shows the estimated annual maintenance cost by street segment:

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Street Segment	Estimated Annual Maintenance Cost
Hillside (2-lane)	\$18,000.00
45th Street (4-lane)	27,000.00
Central (4-lane)	9,000.00
127th (4-lane)	<u>4,500.00</u>
Total	\$58,500.00

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A01-06

A01-08

A01-08 – RESOLUTION ESTABLISHING A PUBLIC HEARING ON ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED WEST OF 119TH STREET WEST, FROM SOUTH OF 13TH STREET NORTH TO NORTH OF 21ST STREET NORTH.
(District V)

Agenda Report No. 01-0646.

A resolution establishing a future public hearing date of July 17, 2001, for consideration of a unilateral annexation was approved. The areas proposed for annexation are located at 119th Street West, from 13th Street North to 21st Street North.

This is the second phase of a two-phase annexation initiative that began earlier this year. The first phase, which brought 310 acres and 135 properties into the City, was approved on March 30, 2001.

The area proposed for annexation consists of several unplatted tracts that comprise approximately 70 acres and 12 properties (all of which are unplatted). The land use pattern of the area to be annexed is a mix of single-family residential development and undeveloped land. The entire area is zoned "SF-20" Single-Family Residential which will convert to the "SF-6 Single-Family Residential district upon annexation.

The proposed annexation will allow for the continuation of the City's growth in the west-central section of the City. All properties in the proposed annexation area are currently being served by private systems, but have access to 12 inch or larger City water mains located in 119th Street, 21st Street, and 13th Street from which service could be extended. According to the City Water and Sewer Department, there are three projects in the current City of Wichita CIP Program to extend and/or enlarge mains in the proposed annexation area.

As for sewer, there are no properties in the proposed annexation area currently being served by the City of Wichita. These properties are currently served by private sewage disposal systems. City sewer lines are located in 21st Street to the east and west of 119th Street, with several subdivisions surrounding the annexation areas currently served by City sewer. As with water service, there are no plans to extend sewer service into areas not currently served within the annexation area. However, mains could be enlarged and/or extended in the annexation area once the Northwest Sewage Treatment Plan, construction of which is in the current City of Wichita C.I.P., becomes operational.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

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The total appraised value of the land and improvements proposed for annexation is \$1,495,300 resulting in an annual City Ad Valorem tax revenue of approximately \$5,469. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --

Knight moved that the service plan be approved and the Resolution setting the hearing date on July 17, 2001, at 7:00 p.m. at the Sedgwick County Extension Office, 7001 West 21st Street, be adopted.

-- carried

Motion carried 7 to 0.

RESOLUTION NO. R-01-210

A Resolution establishing a future public hearing on the annexation of eligible properties located at 119th Street West, 13th Street North to 21st Street North .to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A-01-08

AIRPORT AGENDA

AIRPORT

AIRPORT ADVISORY BOARD MEMBER TRAVEL.

Agenda Report No. 01-0647.

On March 5, 2001, the Wichita Airport Advisory Board approved the attendance of Board Member Dion Avello to attend the Marketing/Communications Conference sponsored by Airports Council International-North America in June 18-20, 2001, in Phoenix.

This conference focuses on airport public and media relations, marketing, air service development and customer service. The Wichita Airport Advisory Board feels air service development is important to their function. The Air Service Development Director is also attending.

Because of the number of City advisory boards, the budget precludes much travel and expense for out of town trips/meetings. For this reason, the City Council is the approving authority for travel by advisory board members. Since this is not a budgeted travel, a budget exception will be necessary. The current estimated cost of this travel is \$2,047.54, however, the airfare may increase prior to booking.

Motion --

Knight moved that the travel expenditures be approved and the budget exception be authorized.

-- carried

Motion carried 7 to 0.

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EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation and legal advice, and that the Council return from executive session no earlier than 9:50 a.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 9:40 a.m. and reconvened at 9:50 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 9:50 a.m.

Pat Burnett CMC
City Clerk